

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
UNITED STATES OF AMERICA

v.

15 CR. 536 (PGG)
:
:

IRFAN AMANAT

Defendant
:
-----X

**DECLARATION OF SETH J. ZUCKERMAN IN SUPPORT OF IRFAN AMANAT'S
MOTION FOR DISCOVERY**

SETH J. ZUCKERMAN, pursuant to Title 18, United States Code, Section 1746, hereby declares the following, under penalty of perjury:

1. I am an attorney duly admitted to practice in the Southern District of New York and represent IRFAN AMANAT, the defendant in the above captioned case.

2. I submit this declaration in support of Irfan Amanat's post-trial Motion for Discovery following the Government's revelation—only following Mr. Amanat's conviction—that confidential informant Spyros Enotiades is an informant for the Government in this case and the Government intends to call Mr. Enotiades as a witness at an upcoming *Fatico* hearing.

3. This declaration is based on personal knowledge, examination of available records, conversations with the defendant, and where noted, information and belief.

BACKGROUND

4. On December 5, 2016, Irfan Amanat was arrested and charged, along with his brother Omar Amanat, and others, by Superseding Indictment with various counts of conspiracy to commit wire fraud and securities fraud.

5. Omar and Irfan Amanat were both convicted after separate jury trials. Omar Amanat was convicted on December 26, 2017 of one count of conspiracy to commit wire fraud, one count of wire fraud, one count of aiding and abetting investment advisor fraud, and one count of conspiracy to commit securities fraud. Irfan, who was severed for trial, was convicted on October 29, 2018 of one count of conspiracy to commit wire fraud, one count of wire fraud, one count of aiding and abetting investment advisor fraud, and one count of conspiracy to commit securities fraud, to make false statements in SEC reports, and to make false statement to auditors.

6. At the close of Irfan Amanat's trial, the Government, in support of a motion for remand, presented evidence of an alleged act constituting obstruction of justice by Irfan Amanat. The alleged conduct was based on information which had been provided to the government by an informant, Spyros Enotiades. Mr. Enotiades was unable to testify at the remand hearing due to health issues, but the hearsay evidence was presented through the testimony of Special Agent Julie Amato, the F.B.I. case agent for this matter. After the hearing, Irfan was remanded.

A. Mr. Enotiades' History as a Confidential Informant for the United States Government Including the DEA and the FBI¹

7. The following outline of Mr. Enotiades' history of acting as a paid confidential informant for the United States government and the D.E.A. and F.B.I. is based primarily on two sources which will be cited. First is an article that appeared in the New Yorker magazine and is based primarily on interviews with Mr. Enotiades himself as well as his family members, including his wife, and federal agents for whom he has worked: Bhattacharjee, Yudhijit, "*The Man who Captures Criminals For the D.E.A. by Playing Them*", New Yorker Magazine, July 30, 2018 (hereinafter cited as "NYM")(page numbers based on printout from on-line magazine

¹ The defense has prepared a timeline of significant events mentioned in this Declaration and it is filed as ***Exhibit F***.

article)(attached as *Exhibit A*). Second, is an affidavit filed by the Government authored by Special Agent Julie Amato, the case agent involved in the prosecution of the Amanats, attached as *Exhibit C*. This affidavit was filed as an attachment to the Government's letter to the Court dated August 29, 2019 and the Government's letter is attached as *Exhibit B*.

8. Spyros Enotiades is a Greek Cypriot who is currently about seventy-three years old. NYM at 4. He speaks English, French, German, Italian, Spanish and Greek. After a brief stint in the Cypriot army, Enotiades studied business administration in London. NYM at 7. From the time he graduated in 1968 until 1980, Enotiades lived in France, Germany, Austria and Rhodesia. In 1980 he returned to Cyprus and went into his father's business which was importing pharmaceuticals. NYM at 8-9. In 1982, Enotiades' father was approached to engage in an illegal scheme to sell pharmaceuticals. Enotiades reported the scheme to the police, and lured the target to Frankfurt where he was arrested by German police. NYM at 9.

9. Enotiades then began his work for the D.E.A. in 1988 when he was living in Buenos Aires and reported a Greek taxi driver who was drug dealing to the D.E.A. Things did not end well for Enotiades in this operation and he had to be flown out of danger. NYM at 8-9.

10. In 1991, while living in Brussels, Enotiades again contacted the D.E.A. and began working undercover on a narcotics case. He worked on this case for more than two years, and this included a trip to Boston. Eventually in 1995 the targets were indicted and pleaded guilty.

11. In 1994, Enotiades moved back to Buenos Aires and once again got involved in an undercover sting operation with the D.E.A. which resulted in the target discovering that he was an informant and imprisoning him. He escaped. In return, the D.E.A. got him a visa to the United States, flew him to New York and helped him get settled, including buying his clothes. NYM at 14-16.

12. In 1995, Enotiades started a telecommunications business and a construction company with friends in New York. Both had closed by 1999, “in part because Enotiades had spent most of his time working for the D.E.A., investigating dealers within the Greek community in Queens.” NYM at 17. Enotiades was quoted as saying: “If you want to do this job right, you have to do it full time.” NYM at 17.

13. In 1999, Enotiades met his future wife, Lu Ann and moved to Las Vegas. Enotiades told his wife that he worked for the D.E.A. and she witnessed Enotiades being given a recording device by D.E.A. agents. In 2001, Lu Ann and Enotiades moved to Dallas to start an outlet for designer kitchens. Enotiades seems to have kept working for the D.E.A. throughout this period. NYM at 17-18.

14. In September 2004, the D.E.A. asked Enotiades to get involved in a large and dangerous undercover operation targeting a Colombian drug dealer, Boyaco. Enotiades was assigned to play a kingpin named El Ruso based in Argentina who supplied cocaine to several countries. In October, 2004, Boyaco was arrested on his way to meeting Enotiades. Eventually Boyaco was prosecuted in America with Enotiades’ help. In 2012, the State Department paid Enotiades \$500,000 for his role in the operation. NYM at 18-20.

15. From 2009 to 2011, Enotiades played a Lebanese financial consultant in a D.E.A. sting conducted in Liberia which resulted in the arrests of, among others, a Nigerian trafficker and a Russian pilot. In 2011, Enotiades testified at trial in this case in the Southern District of New York: *United States v. Chigbo Umeh*, 09-CR-524-JSR. The AUSA prosecuting the *Umeh* case was Randall Jackson, the lawyer Omar Amanat hired at the insistence of Enotiades in 2017. During that trial, Enotiades acknowledged that he never paid any taxes on all the money paid to him by the federal government in his thirty years as a confidential informant. *United States v. Chigbo Umeh*, 09-CR-524-JSR, Dkt. Entry 94 at 656.

16. The author of the New Yorker article began talking to Enotiades in 2015. Enotiades business had failed and in 2009 he was in dire financial straits. According to the author, Enotiades seemed bitter about how long it took to get his large payments from the D.E.A. and said he needed medication for his heart and his hips and had no health insurance. He had no choice other than to keep working. NYM at 21.

17. The author also observed that during the time period he was writing the article, Enotiades seemed to have many assignments: flying off on short notice to the Bahamas, Panama and Moldova to meet targets. NYM at 21. The author was present when Enotiades took a call from a drug dealer just out of jail who knew him as Ross, a major distributor of drugs. Immediately after that call, a D.E.A. agent who had been monitoring the call, phoned Enotides to discuss what had transpired.

18. Enotiades' various business ventures throughout his life were failures. Since 2003, Enotiades reported he had earned more than six million dollars from acting as an informant for the Federal government. He was paid \$2 million just for his work on the sting in Liberia in 2011. NYM at 6.

C. Enotiades' History as an Informant for Squad-35 which Prosecuted the Amanats

19. FBI Special Agent Julie Amato works for Squad-35, a New York City based FBI squad which investigates white collar crimes, including securities violation. Agent Amato was assigned to the cases prosecuting Omar and Irfan Amanat. Agent Amato filed an affidavit in connection with this case. See ***Exhibit C***.

20. Agent Amato reported that in 2009, for approximately seven months, Enotiades was a Confidential Human Source (CHS) for an F.B.I. squad in Texas during which time he was paid \$18,000.

21. In August 2011, Enotiades became a CHS for Squad-35, the same FBI Squad involved in the prosecution of the Amanat brothers. Upon information and belief, Enotiades has remained active with Squad-35 since 2011. Agent Amato notes that: “The FBI Handling Agent has been the primary point of contact for Enotiades since that date.” *Exhibit C* at ¶ 6. Since 2011, Enotiades has been tasked with “relatively few assignments,” none of which were related to the Amanats. Since 2011, Enotiades was paid approximately \$9,000 by the F.B.I. and his last F.B.I. payment was in 2013. *Exhibit C* at ¶ 6.

22. According to Amato, no mention was made by Mr. Enotiades to his FBI Handler from Squad C-35 of the Amanats between August 2011 and Omar’s conviction in 2017, despite Enotiades providing other information to the FBI of “potential interest.” *Exhibit C* at ¶ 7. According to Amato, The FBI Handling Agent understood that between 2011-2017, Enotiades was working in “some capacity for the DEA,” and the F.B.I. Handling Agent would “occasionally speak to the DEA agents concerning Enotiades,” but no mention was made of the Amanat brothers. *Id.* at ¶ 8. However, Agent Amato confirmed that, in fact, prior to December 2017, the date of Omar’s conviction, Enotiades had mentioned to the DEA that he was in communication with the Amanats. *Id.* at ¶ 8.

D. Enotiades’ Relationship with the Amanat Brothers

23. Omar and Irfan Amanat were arrested in 2016. In March 2017, Enotiades was introduced to Omar Amanat by Rutsel Martha, an international lawyer who is the former general counsel and director of legal affairs at INTERPOL. Enotiades began communicating with Omar, and shortly thereafter with Irfan, and Enotiades was under the impression that the Amanat brothers had information he could use to give to the authorities. Enotiades represented to the Amanats that he was a consultant who could help them resolve their criminal charges and bring them to the government to serve as a “subsource” of information. Within a few weeks after he began

consulting with the defendants, Enotiades requested a “mobilization fee” and stated that he had “to purchase cases from younger agents” in what he portrayed was an attempt to resolve the criminal charges against the Amanats. In April 2017, a contract was entered for Enotiades to work with the Amanat brothers and he was paid a sum of money.

24. Enotiades insisted that Omar fire the lawyer who was representing him at that time and retain Randall Jackson, with whom Enotiades had worked on the *Umeh* case. Enotiades continued to advise Omar and Randall Jackson on trial strategy prior to and during the course of Omar’s trial.

25. Furthermore, as it pertains to Irfan Amanat, while he was represented by counsel, Enotiades advised Irfan Amanat not to take the plea agreement the government had offered. On August 7, 2017, in text messages provided to the defense by the Government, Mr. Enotiades instructed Omar Amanat to tell his brother, Irfan, not to take the Government’s plea offer despite the fact that Irfan’s attorney was advising him to take the deal. Omar states to Mr. Enotiades that Irfan is going to take the deal and Mr. Enotiades responds that, “if I was in Irfan’s position I would insist upon a real deal. Real deal= Give the plea and Take a pre-agreed sentence.” Not only did Omar Amanat relay these directions from Mr. Enotiades to Irfan Amanat, but Mr. Enotiades relayed these instructions directly to Irfan Amanat during an in-person meeting.

E. The Government Reveals that Enotiades is an Informant Working for the Prosecution

26. Irfan Amanat was convicted after a jury trial on October 29, 2018. Immediately thereafter, the government informed the defense that they would be presenting evidence of alleged acts constituting obstruction of justice committed by the Amanat brothers as part of the government’s motion to remand Irfan after the conviction. The source who was going to present the obstruction of justice evidence was Enotiades who claimed that the Amanat brothers had asked him to help them create false documents which were intended to be submitted to the court in connection with post-trial motions. Enotiades became ill before he could testify so Agent Amato

presented the evidence through hearsay testimony. *Exhibit C* at ¶¶ 15, 17, 21-23. Irfan was remanded into custody.

27. According to the government, the first time Enotiades referenced Omar to his FBI Handling Agent was on July 20, 2018, and the Handling Agent informed Amato, the agent from the same squad who was assigned to the Amanats case, about the information. *Exhibit C* at ¶ 9. The first time Amato spoke to Enotiades directly was on July 31, 2018 and then, between August 2 and October 1, 2018 Amato spoke to or meet with Enotiades more than a dozen times. *Exhibit C* at ¶ 10. Amato met with Enotiades and representatives of the United States' Attorney Office, including the Assistant United States Attorneys assigned to the prosecution of the Amanats, on August 27, October 17 and October 25, 2018. *Id.*

28. Notably, Agent Amato acknowledges that Enotiades provided information to the D.E.A. regarding the Amanats in 2017—following their arrests but prior to Enotiades speaking with his F.B.I handling agent regarding the Amanats. *Exhibit C* at ¶ 8.

F. Post-Conviction Discovery

29. At the time of the retention of the undersigned counsel, a *Fatico* hearing was scheduled. On August 15, 2019, undersigned counsel wrote to the Court requesting the *Fatico* hearing be adjourned so discovery issues related to Enotiades could be addressed.

30. On August 29, 2019, the Government responded. *See Exhibit B*. The Government's response attached the affidavit of FBI Special Agent Julie Amato. *Exhibit C*.

31. On September 9, 2019, undersigned counsel sent correspondence to the Government requesting certain discovery related to Enotiades. *Exhibit D*.

30. On September 16, 2019, a joint status update was submitted to the Court regarding the discovery requests.

31. On October 9, 2019, the Government produced certain documents, but has refused to produce other documents, which are the subject of the instant motion.

32. On October 16, 2019, a further joint status update was submitted to the Court requesting the instant motion schedule.

33. Pursuant to Rule 16.1 of the Local Rules of the Southern District of New York, I certify that defense counsel has conferred with Government counsel in an effort in good faith to resolve by agreement the issues raised by this motion and the parties have been unable to agree. The government did provide some of the discovery requested, but refused to provide other items. The defense has prepared a chart attached as **Exhibit E** which sets forth which items the government has provided and which are still in dispute.

33. Irfan Amanat reserves the right to make further motions as may be necessary.

34. Based on all the reasons set forth more fully in the Memorandum of Law, it is respectfully submitted that Irfan Amanat's motion be granted in full.

Dated: New York, New York
November 15, 2019

Respectfully submitted,

/s/Seth J. Zuckerman
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